

SENATOR SCHMIT: Mr. President and members of the Legislature, I rise to support the Chambers motion. I want to remind the members of this body, especially the newer ones, that I have been on this floor for several years, I have tightened down the criminal penalties in many areas. I have provided tough penalties for criminals in the area of drug abuse and many other areas of law and those penalties I believe have been deserved and I think they have been handled judiciously through the court system and I have no concern with that. I would just like to draw a kind of a parallel which is not, it is not a parallel but it is something which I would like to have you think about. A friend of mine not too long ago was notified by the IRS that he owed a substantial amount of additional taxes and he went to this audit with a little bit of apprehension and said, "You know, that is not true, you prove it." And the gentleman from the IRS said, "We don't have to prove it. We tell you you owe and unless you can prove you don't owe it, you will pay." And this man was aghast that this could happen in this country. He said, "The burden of proof has always been the other way around but in this instance the full resources of the government are waged against me. I have got to go out there and prove my case." I want to draw another little allegation. I do not know and I have not known very many persons who are mentally incompetent but I have known a few. Almost without exception the person who is mentally incompetent said, "There is nothing wrong with me. I am perfectly all right. I am normal. I ought to be out of here. I am the one that is all right. The rest of you are all the ones that are mixed up." You are asking, Senator Pirsch, for an individual who is mentally incompetent to stand there before the court and say, "I am an incompetent." Be a little bit reasonable. Be a little bit sane yourself. It is time to use a little bit of judgment, I think. I am asking you, how does an individual who is incompetent prove they are incompetent? There have been plenty of proof on this floor, and I have demonstrated a few times my lack of competence, but in this instance, and Senator Chambers and I don't often line up in some of these areas, in this instance I think he is right. He has given you some other arguments which I agree with but I want to